

Atty's 21437

Pat. App. 09/529,043

1 70. (previously added) The isolated pyruvate carboxylase
2 gene defined in claim 65 with a preceding promoter of the nucleo-
3 tide sequence from nucleotide 20 to 109 according to SEQ ID NO:1.

1 71. (previously amended) The isolated pyruvate
2 carboxylase gene according to claim 65 with a preceding tac
3 promotor.

1 72. (previously added) The isolated pyruvate carboxylase
2 gene according to claim 71 with a regulatory gene sequence associ-
3 ated with the tac promoter.

1 73. (previously added) The isolated pyruvate carboxylase
2 gene according to claim 70 associated with a regulatory gene
3 sequence.

1 74. (previously added) A nucleic acid comprising an
2 isolated pyruvate carboxylase gene according to claim 65, preceded
3 by a promoter and associated with a regulatory gene sequence.

1 75. (previously added) A vector containing an isolated
2 pyruvate carboxylase gene according to claim 65.

1 76. (previously added) A transformed cell containing in
2 replicatable form an isolated pyruvate carboxylase gene according
3 to claim 65.

Atty's 21437

Pat. App. 09/529,043

1 77. (previously added) A transformed cell containing a
2 vector according to claim 75.

1 78. (previously added) A transformed cell according to
2 claim 76 belonging to the genus *Corynebacterium*.

79 and 80 (canceled).

1 81. (previously added) A pyruvate carboxylase gene
2 isolated from a *Corynebacterium* and which consists essentially of
3 nucleotides 165 to 3587 according to SEQ ID No. 1.

1 82. (new) An isolated pyruvate carboxylase polypeptide
2 having an amino acid sequence at least 95% identical to a sequence
3 selected from the group consisting of:

4 (a) the amino acid sequence of the pyruvate carboxylase
5 polypeptide having the complete amino acid sequence in SEQ ID NO:
6 2; and

7 (b) the amino acid sequence of the pyruvate carboxylase
8 polypeptide having the complete amino acid sequence encoded by the
9 clone contained in ATCC Deposit No. PTA 982.

1 83. (new) The isolated pyruvate carboxylase polypeptide
2 of claim 82 wherein the pyruvate carboxylase polypeptide comprises
3 an amino acid sequence at least 95% identical to the amino acid

Atty's 21437

Pat. App. 09/529,043

4 sequence of the pyruvate carboxylase polypeptide having the amino
5 acid sequence of SEQ ID NO :2.

1 84. (new) The isolated pyruvate carboxylase polypeptide
2 of claim 82 comprising the amino acid sequence of SEQ ID NO: 2.

1 85. (new) The isolated pyruvate carboxylase polypeptide
2 of claim 82, wherein the pyruvate carboxylase polypeptide comprises
3 an amino acid sequence at least 95% identical to the amino acid
4 sequence of the pyruvate carboxylase polypeptide having the amino
5 acid sequence encoded by the clone obtained in ATCC Deposit No.
6 PTA-982.

1 86. (new) The isolated pyruvate carboxylase polypeptide
2 of claim 82 comprising the amino acid sequence encoded by the clone
3 obtained in ATCC Deposit No. PTA-982.

REMARKS

Applicants are submitting this supplemental amendment in order to copy the claims of U.S. Patent 6,403,351 for the purpose of interference. New claims 82 through 86 correspond to claims 1 through 5 of U.S. Patent 6,403,351. Antecedent basis for new claims 82 through 86 may be found in Applicants' original specification on pages 5 through 9, the specific examples, and in SEQ ID NO: 2. It is noted that the polynucleotide having SEQ ID NO:1 in both the instant application and in U.S. Patent 6,403,351 is the